

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LAMONT BROUSSARD,

Plaintiff,

V.

PIERCE COUNTY JAIL *et al.*,

Defendants.

Case No. C04-5620RJB

ORDER

This 42 U.S.C. § 1983 Civ

pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4. Plaintiff has been granted leave to proceed *in forma pauperis*. Plaintiff asks to extend the time for discovery and for appointment of counsel. (Dkt. # 47 through 49) Defendants oppose the motion. (Dkt. # 52).

Plaintiff asks for additional time to conduct discovery but fails to explain why the original six month time frame was inadequate. (Dkt. # 47). Defendants note that initial disclosures were made and plaintiff has actively pursued discovery in this action. (Dkt. # 52). The motion is **DENIED**.

Plaintiff also asks for appointment of counsel. There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the court, under 28 U.S.C. § 1915(d), can request

1 counsel to represent a party proceeding *in forma pauperis*, the court may do so only in exceptional
2 circumstances. Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986); Franklin v. Murphy,
3 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe, 616 F.2d 1089 (9th Cir. 1980). A finding of
4 exceptional circumstances requires an evaluation of both the likelihood of success on the merits and
5 the ability of the plaintiff to articulate his claims *pro se* in light of the complexity of the legal issues
6 involved. Wilborn, 789 F.2d at 1331.

7 Plaintiff has demonstrated an adequate ability to articulate his claims *pro se*. Moreover, it
8 appears that this case does not involve exceptional circumstances which warrant appointment of
9 counsel. Accordingly, Plaintiff's Motion to Appoint Counsel (Dkt. # 48) is **DENIED**.

10 The Clerk is directed to serve a copy of this order on plaintiff and counsel for defendants.

12 ||| DATED this 15th day of November, 2005.

/S/ J. Kelley Arnold
J. Kelley Arnold
United States Magistrate Judge

28 | ORDER